

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**TREVOR LEWIS,**

**Plaintiff,**

**v.**

**9:12-CV-1237  
(FJS/DEP)**

**SGT. SENIO, Binghamton Police Department;  
T.A. BRADY, Investigator, Binghamton Police Department;  
P. DEANGELO, Investigator, Binghamton Police Department;  
KITTLE, Detective, Binghamton Police Department;  
BRENNER, Detective, Binghamton Police Department;  
GAZDIK, Patrolman, Binghamton Police Department;  
PAVELSKI, Patrolman, Binghamton Police Department;  
and DEMER, Patrolman, Binghamton Police Department,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**TREVOR LEWIS,**  
Broome County Correctional Facility  
P. O. Box 2047  
Binghamton, New York 13902-2047  
*Plaintiff pro se*

**CITY OF BINGHAMTON  
CORPORATION COUNSEL**  
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38 Hawley Street  
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Attorneys for Defendants Brady, DeAngelo,  
Demer, Ganzdik, Paveski, and Senio

**BRIAN M. SEACHRIST, ESQ.**

**OFFICE OF BROOME COUNTY  
ATTORNEY**  
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**JENNIFER L. KATZ, ESQ.**

**GOLDBERG, SEGALLA LLP**  
5786 Widewaters Parkway  
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Attorneys for Defendant Brenner

**SANDRA J. SABOURIN, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court is Magistrate Judge Peebles' July 17, 2013 Report and Recommendation in which he recommended that the Court dismiss Plaintiff's complaint and deny the pending motion to dismiss, *see* Docket No. 19, as moot. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

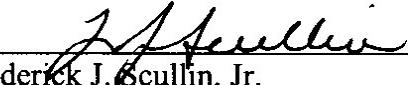
The Court has reviewed Magistrate Judge Peebles' July 17, 2013 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

**ORDERS** that Magistrate Judge Peebles' July 17, 2013 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further  
**ORDERS** that Plaintiff's complaint is dismissed in its entirety; and the Court further  
**ORDERS** that Defendants' motion to dismiss is **DENIED** as moot; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: August 14, 2013  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge